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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C-06-2454 MMC

STORUS CORPORATION,
Plaintiff,
v.
AROA MARKETING, INC., et al.,
Defendants

**ORDER GRANTING DEFENDANTS’
MOTION TO CHANGE TIME; DENYING
DEFENDANTS’ MOTION TO RE-OPEN
DISCOVERY AND REINSTATE
INVALIDITY DEFENSE**

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Before the Court is defendants Aroa Marketing, Inc. and Skymall, Inc.’s “Motion to Change Time Pursuant to Local Rule 6-3” (“Motion to Change Time”), filed February 11, 2008. Plaintiff Storus Corporation has filed “Opposition to Defendant’s Motion to Change Time,” to which defendants have replied. Having read and considered the papers filed in support of and in response to the Motion to Change Time, the Court rules as follows.

By the instant motion, defendants seek to shorten time to hear defendants’ “Motion to Re-Open Discovery and Reinstate Invalidity Defense” (“Motion to Re-Open”) filed February 11, 2008. Defendants assert the Motion to Re-Open should be heard before March 10, 2007, the date the trial is scheduled to begin. In their “opposition” to the Motion to Change Time, plaintiff does not address whether the Motion to Re-Open should be

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1 heard on shortened time; rather, plaintiff addresses the merits of the Motion to Re-Open.¹
2 Similarly, defendants' reply to plaintiff's "opposition" to the Motion to Change Time consists
3 of defendants' response to plaintiff's substantive arguments regarding the Motion to Re-
4 Open.

5 Under such circumstances, the Court hereby GRANTS defendants' Motion to
6 Change Time, deems the Motion to Re-Open submitted on the above-referenced papers,
7 and rules as follows.

8 Defendants have failed to show plaintiff violated any rule of disclosure or discovery.
9 Further, defendants have failed to show the requisite diligence in connection with their
10 acquisition of the newly-discovered information; in particular, defendants have failed to
11 show the time at which such information first became available to the public through the
12 use of internet search engines, or the details of their prior attempts to obtain information of
13 such nature.

14 Accordingly, defendants' Motion to Re-Open is hereby DENIED.

15 **IT IS SO ORDERED.**

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17 Dated: February 14, 2008

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MAXINE M. CHESNEY
United States District Judge

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¹Plaintiff's opposition includes a request for sanctions. The request is hereby
28 DENIED as procedurally improper. See Civil L.R. 7-8 (providing motion for sanctions must
be separately filed and noticed for hearing).